

Appl. No. 09/944,652  
Amdt. Dated 5/11/2006  
Reply to Office action of February 17, 2006

### **REMARKS/ARGUMENTS**

The Examiner is thanked for the clarity and conciseness of the previous Office Action, and for the citation of references, which have been studied with interest and care.

This Amendment is in response to the Office Action mailed February 17, 2006. In the Office Action, claim 22 stands objected to, claims 1-3, 5, 14, 17-21, 23, 28-32, 35-39, and 45-48 stand rejected under 35 U.S.C. § 102, and claims 4, 6-13, 15, 16, 22, 24-27, 33, 34, 40-44, and 49-61 stand rejected under 35 U.S.C. § 103.

Applicants have amended independent claims 1, 19, 37, and 49 to further clarify embodiments of the invention. Claims 2, 20, 38 and 50 have been canceled.

Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Claim Objections***

The Examiner objects to line 2 of claim 22 for the following informalities: "rating source 162." Applicants have amended claim 22 to remedy this informality by removing the numeral "162".

Applicants respectfully request that this ground for objection be removed.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 1-3, 5, 14, 17-21, 23, 28-32, 35-39, and 45-48 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,808,608 issued to Young et al. (hereinafter Young).

MPEP § 2131 provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegual Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as contained in the ... claim." (Emphasis added).

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*Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

Applicants respectfully submit that Young does not describe or suggest each and every limitation of amended independent claims 1, 19, 37, and 49, nor does it teach the identical invention.

Amended independent claims 1, 19, and 37 generally relate to a client terminal, a computer program embodied in a computer readable storage medium for use in a client terminal, and a method, respectively, to implement functionality including: allowing a user to select a *critic rating source from a list of rating sources including a plurality of different critic rating sources* displayed on the display device via user input...*ranking and ordering* program listings based upon program rating data *associated with the selected critic rating source*...and displaying the *ranked and ordered program listings* in the program guide on the display device.

It should be noted that claim 49 stands rejected under 35 U.S.C. § 103(a) as being allegedly obvious over Young in view of U.S. Patent No. 6,317,881 issued to Shah-Nazaroff et al. (hereinafter Shah-Nazaroff). The Office Action utilizes Shah-Nazaroff for allegedly disclosing a video distribution system controller, along with other limitations. Applicants respectfully submit that amended independent claim 49 is not rendered obvious by Young in view of Shah-Nazaroff because, as will be discussed, Young does not describe or suggest the limitations of Applicants' amended independent claim 49, for which it is set forth by the Office Action. Moreover, Shah-Nazaroff also does not disclose or suggest these limitations.

Amended independent claim 49 generally relates to a video distribution system connectable to a client terminal...wherein, in response to user input selecting a *critic rating source from a list of rating sources including a plurality of different critic rating sources* received from the client terminal, a video distribution system controller responsive to a ranking program...*ranks and orders* program listings based upon program rating data *associated with the selected critic rating source*...and...commands the client terminal to display the *ranked and ordered program listings* in the program guide on a display device.

In order to aid the Examiner, in one embodiment, as described in Applicants' patent application on pages 10-11 and Figures 1 and 2:

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A user, via user input 114, can select a rating source *from a list of rating sources 148* displayed on the display device 104. The terminal controller 115 responsive to the user input 114 and the ranking program 116 selects the *desired rating source* from the list of rating sources 148. The terminal controller 115 responsive to the ranking program 116 ranks the program listings 107 based upon program rating data associated with the selected rating source and displays the ranked program listings 107 in the program guide 106 on the display device 104...A variety of rating schemes can be used. For example, numerical rating schemes can be used, e.g., a numerical rating between 1-10, 1-100, 4 stars, 5 stars, binary-1 "approved" (e.g. thumbs up), binary-0 "disapproved" (e.g. thumbs down), etc....As shown in the exemplary program guide 106, the following channels are shown: channel 52-HBO, channel 50-VH1, channel 4-NBC, channel 7-ABC, channel 53-SHO, etc....In this example, the channels are ranked based upon a user selecting *a rating source from the list of rating sources 148*. For example, a selected rating source can be *a critic rating source* such as movie critics (e.g. Ebert and Rocper, Leonard Maltin (Entertainment Tonight), Gene Shallit (NBC's Today Show), etc.), a printed/electronic publication (e.g. TV GUIDE)...Therefore, if a user selects a rating source (e.g. a critic rating source such as TV GUIDE) that includes associated program rating data that rates the following programs very highly (and in the following order): The Soprano's (e.g. rating 10), The History of Rock 'n' Roll (e.g. rating 9.5), The West Wing (e.g. rating 9.3), Who Wants to be a Millionaire (e.g. rating 9.0), and American Beauty (e.g. rating 8.5); and these programs are currently being shown, these program listings 107 will be *ranked* and shown in this *ranked order* in the program guide 106. (Emphasis added).

Applicants respectfully submit that Young does not describe or suggest allowing the user to select *a critic rating source from a list of rating sources including a plurality of different critic rating sources* displayed on the display device via user input...*ranking and ordering* program listings based upon program rating data associated with a selected critic rating source...and...displaying the *ranked and ordered program listings* in the program guide on the display device.

The Office Action cites Figure 14 and column 14, line 30 – column 15, line 23 of Young as being relevant to critic rating sources. However, Applicants respectfully submit that Young does not describe or suggest selecting from a list including a plurality of different critic rating sources. Young only describes selecting program rating data, such as qualifier fields 112 shown in Figure 14, which include different star ratings, e.g., one star \*, two star \*\*, three star \*\*\*, four stars \*\*\*\* and MPAA ratings, e.g. PG, G, etc.

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Nowhere does Young describe or suggest allowing the user to select *a critic rating source from a list of rating sources including a plurality of different critic rating sources* displayed on the display device via user input.

Moreover, as set forth in Young:

[E]ach theme includes a group of search attributes or qualifiers 112. The qualifiers for each theme 106 are shown in the respective one of FIGS. 14-17 for each theme 106. Any number of qualifiers can be enabled at one time. These qualifiers perform a logical OR functions; they will select for display all listings (sorted first by theme and topic) that satisfy the qualifiers. . . For example, the qualifier field of FIG. 14 includes four star \*\*\*\*, three star \*\*\*, two star \*\* and one star \* rated TV programs, based on the auxiliary schedule information described above. By selecting both the \*\*\*\* and \*\*\* boxes, only programs that have at least a three star rating will be listed. Other criteria, such as year of release, may also be included as a qualifier field. (col. 14, lines 31-57, emphasis added).

Young discloses various qualifiers that may be selected. As described in Young, these qualifiers perform a logical OR function to select for display all listings, sorted by theme and topic, which satisfy these qualifiers. Young does not describe or suggest ranking program listings based upon these qualifiers - but only that they will be selected for inclusion in the list. Further, Young does not describe or suggest ordering the program listings based upon these qualifiers, again, only stating that they will be selected for inclusion in the list. Consequently, Young also does not describe or suggest displaying the *ranked and ordered program listings* based upon these qualifier ratings.

Thus, Young does not describe or suggest Applicants' claim limitations related to ranking and ordering program listings based upon program rating data associated with a *selected critic rating source* and displaying the *ranked and ordered program listings* in the program guide on the display device.

Therefore, because Young does not describe or suggest the above limitations, Young does not anticipate or render obvious Applicants' amended independent claims 1, 19, 37, and 49. Thus, Applicants respectfully submit that these independent claims are allowable and should be passed to issuance. Further, because the respective dependent claims include even further

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limitations, Applicants respectfully submit that these claims are allowable, for at least the same reasons, and should also be passed to issuance.

For example, dependent claim 10 recites a preference engine that creates a critic profile based upon programming rating data associated with a critic. The Office Action rejected the claim as obvious over Young and Shah-Nazaroff, and cited Young, Figure 14, for teaching the creation of a critic profile. Applicants respectfully submit that the star ratings disclosed by Young are not used to create a critic profile at the client terminal. Moreover, Shah-Nazaroff also does not disclose or suggest a preference engine that creates a critic profile. For at least these reasons, the rejection of claim 10 as obvious in view of Young and Shah-Nazaroff should be withdrawn.

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### Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-19, 21-37, 39-49, 51-61 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 5/11/2006

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### Attachments

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5/11/2006

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